

UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO

In re:

ADLER GROUP, INC.

Debtor

Case No. 17-02727-MCF11

Chapter 11

MOTION TO STRIKE OPPOSITION TO THE OMNIBUS OBJECTION

TO THE HONORABLE COURT:

COMES NOW Debtor, represented by the undersigned attorney, and very respectfully avers and prays as follows:

1. On April 20, 2017, Debtor filed a voluntary petition under the provisions of Chapter 11 of the Bankruptcy Code [Dkt. No. 1]. Since then, Debtor has managed its affairs and continued to operate its business as debtor-in-possession, under sections 1107 and 1108 of the Bankruptcy Code.

2. On January 11, 2018, Debtor filed an omnibus objection to claims 2, 7, 10, 12, 13, 14 and 15 (the “Omnibus Objection”) [Dkt. No. 78].

3. On February 12, 2018, Eric Alvarez, holder of claims 12, 13 and 14 (the “Claims”), filed a motion for extension of time of thirty (30) days to respond to the Omnibus Objection [Dkt. No. 98], which was further granted by this Honorable Court on February 13, 2018, ordering Eric Alvarez to respond by March 14, 2018 [Dkt. No. 101].

4. On March 14, 2018, the deadline for Eric Alvarez to respond to the Omnibus Objection, Eric Alvarez filed another motion for extension of time of thirty (30) days to submit supporting evidence to claims 12, 13 and 14 [Dkt. No. 131], which was further granted by this Honorable Court on February 13, 2018, ordering Eric Alvarez to respond by April 16, 2018 [Dkt. No. 146].

5. On April 16, 2018, the rescheduled deadline for Eric Alvarez to respond to the Omnibus Objection, Eric Alvarez filed an opposition to the Omnibus Objection (the “Opposition to the Omnibus Objection”) [Dkt. No. 161].

6. Eric Alvarez’s Opposition to the Omnibus Objection contained documents and exhibits in the Spanish language.

7. Federal Local Rule 5(g) states that

(g) Translations. All documents not in the English language which are presented or filed, whether as evidence or otherwise, must be accompanied by a certified translation into English prepared by an interpreter certified by the Administrative Office of the United States Courts. Certification by a federally-certified interpreter may be waived upon stipulation by all parties.

8. Furthermore, Local bankruptcy Rule 9070-1(c) states that

(c) Form of Exhibits. Copies of exhibits that are intended to be offered as exhibits in a contested matter or hearing must be legible and copies of photographs must be in color, unless the original photograph is in black and white. Exhibits submitted in violation of this rule will not be admissible into evidence. All exhibits and documentary evidence in Spanish or other language shall be fully translated to the English language by a certified translator.

9. Pursuant to the foregoing, Eric Alvarez’s Opposition to the Omnibus Objection was filed in violation of Federal Local Rule 5(g) and Local Bankruptcy Rule 9070-1(c) as it contained documents and exhibits in the Spanish language.

10. Therefore, Eric Alvarez’s Opposition to the Omnibus Objection must be stricken as faulty.

WHEREFORE, Debtor respectfully requests that this Honorable Court enters an order striking Eric Alvarez’s Opposition to the Omnibus Objection as faulty for failure to comply with Federal Local Rule 5(g) and Local Bankruptcy Rule 9070-1(c), with any further relief the court deems proper.

NOTICE

Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the clerk's office of the United States Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the court, the interest of justice requires otherwise.

CERTIFICATE OF SERVICE: I hereby certify that on this same date, we electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all participants of CM/ECF, including the Office of the United States Trustee.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 8th day of May 2018.

MRO Attorneys at Law, LLC

Attorneys for Debtor

PO Box 367819

San Juan, PR 00936-7819

Tel. 787-237-7440

Email: mro@prbankruptcy.com

Web: www.prbankruptcy.com

s/ Myrna L. Ruiz-Olmo

USDC-PR No. 223209